

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

FLOYD REGINALD RICHARDSON,

Plaintiff,

v.

KATHRYN KNAPP,

Defendant.

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CIVIL ACTION NO. 5:22-cv-124 (MTT)

ORDER

Plaintiff Floyd Richardson moves to voluntarily dismiss this action without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(2). Doc. 21.

“A district court enjoys broad discretion in determining whether to allow a voluntary dismissal under Rule 41(a)(2).” *Arias v. Cameron*, 776 F.3d 12162, 1268 (11th Cir. 2015). “In most cases, a voluntary dismissal should be granted unless the defendant will suffer clear legal prejudice, other than the mere prospect of a subsequent lawsuit, as a result.” *Pontenberg v. Boston Sci. Corp.*, 252 F.3d 1253, 1255 (11th Cir. 2001) (cleaned up). “The crucial question to be determined is, would the defendant lose any substantial right by the dismissal.” *Id.* Here, defendant Kathryn Knapp will not “lose any substantial right.” *Id.* Although there is a chance Richardson will re-file, this “mere prospect of a subsequent lawsuit” is not enough to warrant the denial of Richardson’s motion. *Id.*

Accordingly, Richardson’s motion to dismiss (Doc. 21) is **GRANTED**. This case is **DISMISSED without prejudice**. Knapp’s motion for summary judgment (Doc. 11) is **DENIED as moot**.

SO ORDERED, this 24th day of April, 2023.

S/ Marc T. Treadwell
MARC T. TREADWELL, CHIEF JUDGE
UNITED STATES DISTRICT COURT